

## COMMITTEE ON LANDS AND BUILDINGS

**June 28, 2005**

**6:00 PM**

Chairman Thibault called the meeting to order.

The Clerk called the roll.

Present: Aldermen Thibault, Roy, Gatsas, Osborne, Porter

Messrs: Aldermen Lopez and O'Neil, Bruce Thomas, Ken Edwards, Carol Gosselin, Ralph Sidore, Steve Tellier, Deb Deets

Chairman Thibault addressed item 3 of the agenda:

3. Request by Nicholas Bonardi to purchase a discontinued portion of So. Bedford Street at So. Commercial Street.

Alderman Porter stated after the last meeting and looking at the correspondence from Alderman O'Neil I did go down specifically with the idea in mind to see exactly what we were dealing with. As I was done there, of course, we know the construction for the hotel is going on and there's a lot of truck traffic and so forth. I think that by accommodating a major project which obviously will bring a lot of money to the City the road construction left a piece of land that actually is approximately 4,300 square feet according to the Assessor's records and part of that is a driveway...now, I know that the business down there did have a driveway before all of this happened so certainly having a longer driveway doesn't necessarily make the property much more valuable. The area that I looked at that could be useful to the business to Mr. Bonardi's business is approximately half...it appears to be half I'm just visualizing but if we say 2,000 square feet roughly it would accommodate according to a plan that I had seen approximately 3 parking spaces. Now, that land standing alone it's always very difficult and I as an Assessor used to have a problem with property that was not able to be sold on the open market because it really has only value to that particular business. There's not much else that can go on it due to zoning and due to location, due to other restrictions that probably would be imposed by the ballpark, by the hotel and so forth. And, in viewing this I've also checked with Frank Thomas and Bruce Thomas from the Highway Department and if nothing is done then the City will be looking at a \$12,000 expense. Now, this property of 4,300 square feet although probably only half would be really usable and of much value to Mr. Bonardi

would be picked up for the revaluation in tax year 2006 and as a contributing value to the existing property would general taxes where right now it is not generating any revenue. I'd like to make a motion that the City convey the property to Mr. Bonardi for the sum of One Dollar (\$1.00) and to have Mr. Bonardi pay the closing costs and recording expenses at the registry.

Chairman Thibault stated thank you, Alderman. I just want to ask if there are any other questions from any of the other Aldermen on this committee.

Alderman Gatsas asked can Highway Department talk about this sheet, this sheet from Frank Thomas on costs.

Chairman Thibault called upon Mr. Bruce Thomas.

Alderman Porter stated Mr. Chairman please the only thing I failed to say was that in addition once Mr. Bonardi owns the property he still has a substantial investment to make before it can be usable.

Mr. Bruce Thomas, Engineering Manager for the Highway Department, stated the document you are referring to is the estimate of \$12,000 that the City would have to expend to take care of that property in the event that Mr. Bonardi wasn't granted the property and that cost includes general construction including the installation of a catch basin, some curbing removals, some loaming and seeding, the uniformed officers and flagman, construction signs and mobilization costs.

Alderman Gatsas stated I am going to ask you some direct questions here. What's mobilization?

Mr. Thomas replied that's the cost of any contractor just to bring his equipment in to begin a project.

Alderman Gatsas stated so you're saying you're going to outsource all of this.

Mr. Thomas replied yes. This is a contract estimate as opposed to an in-house estimate.

Alderman Gatsas asked what's the cost in-house?

Mr. Thomas replied I don't have that in front of me. Typically, an in-house estimate is about half to a third of the cost of a contract estimate but also that involves...obviously that involves using City crews and I don't know if we have the time to do this work and that may be why they selected a contract estimate to do it.

Alderman Gatsas stated but these are all things you would do normally.

Mr. Thomas stated I know and we're doing them now on other projects. We may have to take time out from our scheduled projects that have been scheduled for the summer in order to do this work.

Alderman Gatsas stated when you talk about the drop in you're going to have to do that anyway aren't you...isn't that going to have to be done anyway whether we sell this property to Mr. Bonardi or not?

Mr. Thomas replied no, I don't believe so.

Alderman Gatsas stated so what you're saying is that all this work here, if he buys it, is not going to be done or he's not going to have to do it to maintain the property.

Mr. Thomas stated he may have to do it, he may develop it...he may have to do this work to fix that to his own needs or he may have some other plan of what might need to be done to it.

Alderman Gatsas stated so what you're saying is that the cost for the City to do this is roughly \$4,000 if the City crews were going to do it.

Mr. Thomas replied yes. You may want to round that to \$5,000 just because...

Chairman Thibault interjected I'd just like to say one thing here if I could. I talked to Frank Thomas myself on this and Frank told me that if he was going to do it himself it was going to cost \$12,000, that is what he told me. I don't know if any other Aldermen called and asked that question but that is what he told me. So, I don't know.

Alderman Gatsas stated well it can't be because there's a 15% contingency and I would assume that we're not paying the City 15% contingencies to do the work.

Chairman Thibault stated well that's what he told me.

Mr. Thomas stated that's really not what a contingency is. A contingency is if there is some unforeseen circumstance...but, frankly the mobilization cost or something we would not pay this for our own crews to do.

Alderman Osborne asked does the catch basin have to be there whether the City has it or Bonardi, does it matter, does that have to be put in one way or the other?

Mr. Thomas replied it depends on how the grading is. If Mr. Bonardi finds a way to develop it...we took a look at the property and determined that to suit our needs just to develop, just to clean up the property...

Alderman Osborne stated as it stands right now does a catch basin have to be there?

Mr. Thomas replied yes. I'd just like to point out that according to Mr. Bonardi I believe it said in here it would cost something in the order of \$30,000 for him to do some work, so obviously he's got some grander scheme than we have. When we had simplified the project to do something very simple...if he's got a \$30,000 estimate here then obviously he's got a grander scheme and there's a lot more that could be done that would suit his needs.

Alderman Osborne asked, Mr. Tellier, what does this produce for taxes to the City once it's added on to his property, how much?

Chairman Thibault stated Steve could you enlighten us on that a little bit.

Mr. Steve Tellier, Chairman of the Board of Assessors, replied if one of you have a calculator, I came ill prepared and don't have one with me, but if you added in the realm of \$7,500 or \$10,000 for an assessed value and I think that's high multiply that by .02792 that would be the contributory value. It really wouldn't amount to a great deal...\$200 in taxes if that.

Alderman Porter stated just a further comment and I think it's kind of tough for Steve to come up with a number...it's an estimate and I think that it's very possible that the contributing value of 4,400 square feet or 4,300 square feet to the overall parcel could add some value to the overall property that isn't necessarily translatable into market value today because Mr. Bonardi is under no duress to have to purchase it and I guess my thought is looking at it on a two dimensional map is one thing but if you do take a look at the property, at the topography down there there is a lot of work that Mr. Bonardi would have to do and by acquiring it

himself he would relieve the City of whatever the expense would actually be whether it's in-house or contract and it would add to the tax base from '06 on and would relieve the City of a headache at this time.

Mr. Tellier stated myself and Assessor Hamilton met with Mr. Duval from T.F. Moran for a short timeframe to talk about what the costs to cure were, enhancements that would have to be made to the property. Our understanding is that between some excavation that the issue of the catch basin and grade issues that there would be some substantial costs to Mr. Bonardi in the event that he purchases this property and assembles it with his own because there are elevation...substantial elevation changes which require construction and excavation issues. So, he will incur some significant costs to tie this all into his present site. My understanding was...the fact that this was outsourcing at \$12,000 no matter what this committee decides on what that offset would be we had used an assessment of \$17,000 to \$20,000 based on \$4.00 to \$5.00 a foot, a small lot... primarily railroad corridor lots that were very beneficial to an abutting land owner. These types of sales are very hard to come by but we do have a small number... that was the methodology that was used to come up with the value. It appeared that it was not unreasonable for this committee to utilize that offset for those construction costs to arrive at what would be a fair approach of disposing of this site to Mr. Bonardi.

Alderman Gatsas stated obviously I've been down there and it looks like there's some parking situations that are happening during ballgames...if we just take a round number, look at it and say that there's 4,400 square feet I know that when we went through this operation last time saying that there was the possibility of 20 cars being able to park there...let's say there's only 10 cars able to be parked there...if you take \$10 per space for 10 cars it's \$100 times 70 games is \$7,000 a year. I would think...I remember going through this process when we talked about the discontinuance of Bedford Street and Mr. Bonardi was here in audience and I asked him the night we did that discontinuance if he wanted that piece why we were doing it and give it to him that evening and he said he wasn't interested. Sometime later all of a sudden it's happened that somebody's coming forward now because it looks like there's a revenue source for parking cars that close to the field and I think that we as a City shouldn't be...we offered the deal at \$20,000, I thought that that was Mr. Porter's...I think Mr. Porter made that motion when we looked at the property because of the assessed valuation and what could be derived from a revenue source and I think that we need to look at that and say that that \$20,000 is going to take the city 10 years to recoup \$20,000 at \$200 a year if we get that for an assessed value and I think that just talking about 10 cars being parked on the spot is a \$7,000 revenue and I think that that's something that we need to look at for the taxpayers.

Chairman Thibault stated just one thing I'd like to say and I'm extremely, extremely confused because I had been told that the most they could park there is 3 cars. So, when you're talking about 10 cars I'm really confused there and I would certainly like to have someone explain to me...Alderman O'Neil I know...let Alderman O'Neil speak first and I'll get back to you.

Alderman O'Neil stated I know Mr. Bonardi is here and his Attorney Bill Orcutt is here as well as Deb Deets from T. F. Moran but that's one of the things that I think led to the confusion. He cannot develop 4,300 square feet there. He still needs to have his driveway, there's still a 10-foot buffer that's required around his property line...somewhere...I don't know if somebody has an exact number, it's a little over 2,000 square feet that might be able to be used. I think I put in my letter to you of April 29<sup>th</sup> two spaces, maybe three spaces net can be created. I don't know where this 10 or 15 spaces is and I've asked Mr. Bonardi this a number of times and it's the same answer back...he has no interest in being in the parking business. His tenants operate primarily at night and on weekends when the games are, so he has no interest in being in the parking business and I think the City...I believe him and I think the City should believe him on that. I take Nick Bonardi as a man of his word and I believe him with that he has no interest in being in the parking business.

Alderman Gatsas stated so a deed restriction wouldn't be a problem.

Alderman O'Neil stated Alderman I don't think that's necessary. There's got to be some trust here at some point. Mr. Bonardi has been moved, I think, at least twice in this City because of redevelopment projects. If he didn't agree to participate in this we might not have a project down there, if you recall.

Alderman Gatsas stated I don't think it was his choice.

Alderman O'Neil asked in what?

Alderman Gatsas stated he had no choice in this situation...the redirection of South Bedford Street.

Alderman O'Neil stated if he fought the street closure there was a choice.

Alderman Gatsas stated I don't think that there was.

Alderman Porter stated I think the nature of the tenants I believe you do have a hairdresser, a beauty salon. I think the nature of that business oftentimes they're open evenings and certainly they need parking space for their customers. I think that what Alderman Gatsas brings up is a point to kind of support a little bit of understanding with this simply because this is a situation that was created by the City...Mr. Bonardi is under no duress to acquire the property. By doing so there is a potential savings of \$12,000 to the City in addition to adding assessed value. I do think that the numbers that Steve had used are based on today's number. I would suspect that with the revaluation if you're dealing with \$400,000 per commercial acre it's very possible that could be \$10/square foot and you could end up with \$40,000 or \$50,000 of assessment. I'm not saying that that should be the case but I think Steve's using today's numbers vis-à-vis numbers that would be generated after the revaluation in which case if the tax rate were somewhere around \$20 per \$1,000 or around that you might be dealing with something like \$700 or \$800 a year and I do think that there will be substantial revenue in relation to the size and condition of that partial considering that it was created by the City, it is not all usable because he had a driveway before so we're simply giving him a longer driveway and how much that contributes to the value of his building will be determined in the reappraisal by the City for next year. So, I would just like to say that I made the motion to transfer it for One Dollar (\$1.00) and have Mr. Bonardi pick up the cost of transferring and any closing costs involved.

Chairman Thibault stated thank you, Alderman. I'll have Alderman Osborne speak to this again and we'll get back to the motion in a minute. Okay, do I have a second on the motion or would you rather discuss it first. Okay, we'll discuss it first.

Alderman Osborne stated in getting back to the drainage...you said it definitely has to be done one way or the other. What if the excavation...or you slope it one way or another it's possible not to have to do it right?

Mr. Thomas replied it may be possible. To be perfectly honest I haven't seen the sight so it may be possible to grade it without doing this but I think it would be difficult based on the information.

Alderman Osborne stated Mr. Tellier you said that from the reval it's probably going to be assessed somewhere around \$7,000 is that what you're telling me?

Mr. Tellier replied I was using current numbers. As Alderman Porter indicated it may exceed that during the revaluation. So, the contributory value of those taxes would be more as time went by.

Alderman Osborne stated it wouldn't be more than a couple thousand dollars I don't think.

Mr. Tellier stated we're talking about 3,400 feet of street, half of which is going to be a driveway.

Alderman Roy stated while I do agree with getting this parcel into Mr. Bonardi's hands I do have concerns about the sale for One Dollar (\$1.00) with all due respect to the potential buyer sitting in front of us. In one of the correspondence in our agenda it referenced a \$2.00 value for the parcel across the street. My goal here is to get this back on the tax base and I'm just trying to find a happy medium between the \$17,000 to \$23,000 value that the Assessor's put on it and the dollar value that my colleague put on it. Has an offer been made or would Mr. Bonardi speak to what he finds acceptable before we move to far forward and I don't mean to put you on the spot, Sir.

Chairman Thibault stated would you please come to the microphone and identify yourselves.

Mr. William Orcutt stated I am Attorney with Wiggin & Nourie in Manchester and I represent Nicholas Bonardi. As little as it reasonable I think is an answer to the question. There are big costs that Nick is looking at...engineering costs, excavating costs, the asphalt for So. Bedford Street is still out there, there is still granite curbing that's still there...the good Lord knows what's underneath the thing...drainage, etc. The issues have been well stated, Mr. Chairman. We really have nothing further to add and at best it's going to add three parking spaces.

Ms. Debra Deets, Project Engineer for T. F. Moran, stated I'd like to approach with some exhibits. Thank you. What we're passing out here today is two (2) exhibits. We're passing out Exhibit I which is the existing conditions that will get to you and then the second exhibit is what we would propose that Mr. Bonardi would do with the property and I'm just going to wait a few minutes until everybody has the documents in place. Remember the first one you see...let's look at the existing conditions. It's more the black and white version...it shows what we have currently...there is the existing geometry in the parking lot and what you can see we have four spaces...and we have another 4,600 square foot piece of property. As you look on the proposed condition the only thing that really happens...what this piece allows us to do is it essentially allows us to take this parking configuration because right now the ways it's been configured is our driveway is lengthy and it allows us to extend our property closer to the street, however, at this point we're into the Manchester site plan regulations so what we need to be is at least 10 feet off of the property line and you can see the three



spaces have been gained on the long leg...where we had four before now we have now seven. We actually lost one space in the other direction. So, it's primarily driveway as everybody's been saying but what we also have is the three spaces. What we would have to do to construct this is there's an open-end flared end section right there right now. It's open flared end, so what we need to do is we need to close that not only for liability purposes but for proper engineering standard and industry practice. What we would want to do is close that flared end section, make a confined catch basin, put that in our new pavement area and then we would run this by the Manchester site plan and things that we would need to do is not only clean up the demolitions that's there because we have an open end flared section, we have pavement, we have rubble, we have utilities, we'd have to clean up that section, we would have to extend the curbing, the grading, the drainage, subbase material, the pavement, landscaping, the irrigation that the City's going to require to have the landscaping along with the striping and the signage. So, it is tallying up there for three spaces, it's actually quite a bit but the problem we have here is Mr. Bonardi has two uses which is a hair salon and a dance studio. These uses are consistent for Saturday and evening times. I have a daughter she likes to go to dance on Saturday...that's exactly when the baseball is playing so these aren't to be parking but right now Mr. Bonardi is struggling with his parking circulation now because of all of the activity there and he's finding customers are saying that we don't want to go down it's too busy particularly his hair salon. These three spaces would help and assist his customers with the impact that he has with the recent activities that have grown. So, I hope that this answers some of your questions and we're here to answer more.

Chairman Thibault asked, Mark, do you have something to say right now. I was going to ask Alderman Porter for his statement again and then see if we can get a second. If not...

Alderman Roy stated while we're waiting for him.

Chairman Thibault stated yes proceed.

Alderman Roy stated right now Mr. Bonardi owns 22,840 square feet on that corner. This would add 4,362. Currently, he's assessed at \$.37 cents per square foot equalizing out at a \$61,000 value. So, if we take the City's value and use that full market rate we only come to a \$2,512 current 100% assessment value. So, I have a hard time telling someone that their property is worth \$23,000 when we're only taxing them at \$2,500 for something that they're looking to purchase. So, at that point and that being said with the improvements if Alderman Porter is willing to put a few more conditions on his motion I'd be happy to second it and part of that would be the site plan review and design much like the sketch we've received.

Chairman Thibault asked Alderman Porter what is your take on that?

Alderman Porter stated I guess my motion remains basically the same. What is there to add to it? I think the intent of the purchaser is to do what is on this plan. Is that correct, Nick? Then I will go with that as a review and rely on Mr. Bonardi's integrity to do what he has said he will do. In my experience with Mr. Bonardi when he says he's going to do something, he does it...that's not part of the motion but I'd like to make my motion and have it subject to completing it as best as can be done or as close to what this representation is...if that's the proper terminology. Matt, I hope you got that.

Alderman Roy duly seconded the motion.

Alderman Osborne asked isn't there some sort of a compromise here with the figure from One Dollar (\$1.00)...from \$20,000 to \$1.00. Is there some sort of a compromise here whether the drainage has to be put in for \$12,000 or whatever it comes up to \$10,000. Isn't there some sort of a compromise on the other side?

Chairman Thibault asked who would be able to answer this question?

Alderman Osborne stated I'm asking a question.

Chairman Thibault asked of who Alderman Osborne.

Alderman Osborne replied of Mr. Bonardi or his legal counsel or whoever.

Chairman Thibault asked Bruce are you capable of answering that?

Mr. Thomas replied no.

Attorney Orcutt stated it's a key intersection and there are thousands of people. It's not only good for Nick and the three businesses that are down there to have that little parcel look right but it's great for the City of Manchester. Now, as little as he has to pay for the property because of the work he'll have to put into it or intends to put into it. It's not the dollars.

Alderman Osborne stated it's going to cost the City \$12,000 from what we have here to put the drainage and do a little bit of excavation or whatever has to be done there but that was deducted from that and let's say there was an \$8,000 difference there would that be something you would think about?

Attorney Orcutt replied we talked about that early on with Frank Thomas...we've had all kinds of meetings on this property and we did talk about the Highway Department doing certain work...Frank wants to make sure that the work is done right.

Alderman Osborne stated at \$200/year for taxes it would take a long time...I don't have any problem with something here but the \$1.00 I have a problem with too. I have nothing against Mr. Bonardi.

Alderman Porter interjected I made a motion here, Mr. Chairman, and I believe each Alderman can vote it up or down as they choose. Thank you.

Chairman Thibault stated I opened it up for discussion after the motion so that is why I let Alderman Osborne speak to it, however, I'd have to go back to say that Alderman Porter made a motion, seconded by Alderman Roy...call for a vote on the motion. The motion carried with Aldermen Gatsas and Osborne duly recorded in opposition.

Chairman Thibault addressed item 4 of the agenda:

4. Communication from Alvin Corzilius and Ralph Sidore seeking the Board's approval to encroach the sidewalk area at entrance to 150 Dow Street (Tower No. 1) to provide additional safety rails and improve the appearance as outlined.

Mr. Ralph Sidore, Property Manager for 150 Dow Street, stated at the time we wrote the letter it was our belief that the City's property extended to the north face of the building. We have subsequently had the property surveyed and it took a long time because our survey people had to go down to North Billerica or wherever it is and fight with Gilford and B&M and those people which is a zoo and they finally (yesterday) got to mark the property line on the north side of the building enough so that we could see where we were. The property line is actually over 3.5 feet out from the building so that our encroachment onto the sidewalk is totally on our property. We believe that we, therefore, do not need permission from the committee. We instead have to simply go through the regular Building Department and Millyard Design Review process and it's our intent to do that. I came here tonight as a courtesy simply to make you aware of what we were doing and why.

Chairman Thibault stated okay so you're saying if you went to the Building Department you'd get the approvals that you need in order to get this done, right? So, why don't you do that and then if you have to come back to this committee come back.

Mr. Sidore replied yes, Sir.

Alderman Roy stated in that case listening to this...motion to table...and at our next meeting if they have successfully made it through the Building permit process we could receive and file.

Alderman Gatsas stated receive and file it now.

Chairman Thibault stated why don't we receive and file it now. If they have to come back they'll come back.

Alderman Roy moved to receive and file. Alderman Gatsas duly seconded the motion. There being none opposed, the motion carried.

Chairman Thibault addressed item 5 of the agenda:

5. Copy of a communication from Ken Edwards, MHRA Assistant Executive Director to Brian Cullen, CMC Offsite Property Director requesting approval of temporary leasing space for 350 vehicles at the JacPac site to CMC for approximately twelve (12) months during construction subject to conditions as outlined.

Alderman Roy moved for discussion. Alderman Porter duly seconded the motion.

Alderman Roy stated Ken we're looking at this and we're waiting for our JacPac studies to come back this fall. Is there any provision in that if this was to go forward that any lease could be terminated or is there an escape clause for the City?

Mr. Ken Edwards, Assistant Executive Director of MHRA, replied when we negotiated this with CMC (Catholic Medical Center) we had a provision that if they did not start construction by March of 2006 that we could terminate. I guess I wasn't anticipating having a developer ready to take over the JacPac site within that time period. If they start at the latest in March of 2006 and complete twelve (12) months later I guess I didn't feel as though that would be a problem in marketing that parcel with all of the negotiations and purchase and sales and

development approval process that we'd have to go through. We have also restricted this to outside the gated area at JacPac so this will not encumber the area that is inside the gate. It is on all of the property that's outside the gate. The parking lot that they have that's adjacent to Queen City Avenue although we are making the stipulation that they cannot open the roadway that goes out onto Queen City Avenue, we want to keep that closed...they'll have to shuttle people from the parking lot down Hancock Street.

Alderman Roy in reference to the area that you have lined out in the diagram asked is that all existing paved area?

Mr. Edwards replied yes it is.

Alderman Roy stated so there would be no additional paving added to the JacPac site.

Mr. Edwards replied no.

Alderman Lopez stated my only concern is to the area itself and I know that Alderman DeVries and I discussed this... wanted to walk down through there to see the possibility of using the JacPac area for parking for people to go down through the Riverwalk and we haven't had an opportunity to go down there but I think it's an area that has to be utilized for parking down there and just walk down to the walkway to get into the Fisher Cat Stadium. I think it needs to be explored early...I would hope that we would not approve this until such a time that we look at all angles before giving approval.

Alderman Gatsas stated to reiterate where my colleague was for those people that have been using it for parking to get to the ballgame they're now on notice and for those people that didn't know it existed they're also on notice so I would say that those 350 spaces will be occupied pretty quickly at the next ballgame because if you notice there are an awful lot of people that walk down that Riverwalk to get to Fisher Cat Stadium. I'm sure that there has been no security increase there and I think maybe that we should work out a deal that allows CMC access to it during the day and put somebody down there and even charge \$5.00 for a space...that would generate another \$122,000 a year for the City. So, I would think that MHRA should probably have been on the ball a little bit quicker before Alderman Lopez brought it out to the public tonight that they have a place to park.

Chairman Thibault stated just one thing. What is the monetary from CMC to lease this space, what was the monetary value of that?

Alderman Gatsas interjected \$189,000.

Mr. Edwards stated just to clarify...we did talk to CMC about restrictions in parking and they have agreed that this would only be Monday through Friday from 6 AM to 6 PM. So, the lot would be available for the uses weekends and evenings.

Chairman Thibault asked are there any other questions from the committee.

Alderman Gatsas stated a follow-up to Alderman Lopez and maybe this is a Riverfront question...but we aren't going to meet for a few months so baseball season might be over by then. Mr. Edwards, are you going to look into and report back to this committee within the next two days about the possibility of having somebody stand down there and rent those spaces at the ballgames?

Mr. Edwards replied I guess we could although there were discussions about use of that area for ballgames when the season started and the concern for having activities at both the Verizon and the ballpark and it was decided with that first weekend to see how things went and the report that I got was that they didn't want to use the JacPac site for ballpark parking because once they start...

Alderman Gatsas asked when you say "they" who do you mean by "they"?

Mr. Edwards replied there was a meeting with the Police Department, Bill Jabjiniak, MTA, Tom Lolicata and there may have been a couple of others who escape my memory right now but the concern was that if you set a precedent by using that lot for parking then it becomes something that you can't break after that and they didn't see a need. The only request we've had since the season started is to park school buses on days when they have bused in a lot of school age children to an afternoon game and that only occurred once to my knowledge and it was like 15 or 20 buses and there's plenty of room within the gated area to accommodate additional parking down there...the site is very large...there's a lot of paved area beyond what we're talking about leasing to CMC that could be utilized for that purpose if the City decided it wanted to do it.

Alderman Gatsas stated well I respect the "they" that you've mentioned but I think there are 14 people that make those decisions here and I would think that we would make those decisions and not leave that up to "they". So, I guess this member will make a motion that you report back to this committee within the next five days to tell us what the possibilities are of renting those spaces on the nights of ballgames.

Chairman Thibault asked is there a second to the motion.

Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

Chairman Thibault stated so Ken you'll get back to us in five days or so to let us know where this is at and maybe we can get a phone poll is that possible.

Alderman Roy stated if we're going to have a phone poll I have additional questions. Ken, you briefly mentioned that they were going to use it 6 AM to 6 PM would they have any problem with us using it for ballgames after?

Mr. Edwards replied no. It's our property they're just leasing the spaces.

Alderman Roy stated my concern with us moving this backwards...what they're willing to pay us for a monthly lease on those paid parking spaces translates to a \$6.7 million building being constructed in the City of Manchester...it adds considerable tax base and I'm sure MHRA would gladly received those funds and use them appropriately. So, if we have the ability to mandate that we use the property from 6 PM to 6 AM I think the City's receiving a sweetheart of a deal and with all due respect to Alderman Gatsas' concern about parking if we already have that in writing and they're willing to negotiate that in I think we should move forward at this time.

Alderman Gatsas stated let me just understand that what you're thinking I'm saying is that we aren't going to move forward with the CMC deal and that's not what I meant. I certainly would advise us that we would go forward with that but I see sometimes that we make decisions here even on \$20,000 parcels and for some reason we take alternate positions and three or four weeks later so I don't question whether we should move forward with the lease with CMC but I think that Mr. Edwards should report back to this committee with a 5-day period that certainly tells us whether the sweetheart deal of parking is there because I know that sometimes we change our opinions on things.

Chairman Thibault stated Ken doesn't have a problem with that he's going to get back to the City Clerk and they will in fact advise us as to where we're at. Thank you again.

Alderman Gatsas moved to approve temporary leasing space for 350 vehicles at the Jac Pac site to CMC for approximately 12 months during construction subject to conditions as outlined. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

Chairman Thibault addressed item 6 of the agenda:

6. Communication from Louis Nixon, on behalf of Carol Gosselin and Bonita Kershaw, seeking an easement for access across the former NH Central Railroad bed to 534 Douglas Street.

Chairman Thibault stated before we get into any kind of discussion here I would like to have the City Solicitor explain to the people that are here so that they can be better advised as to where things are at.

Alderman Gatsas interjected Mr. Chairman with all due respect if Carol Gosselin didn't call me she would have never known this meeting was existing and would have never known she was on the agenda this evening. The City Solicitor's office never contacted them, they never knew anything about it, they never knew...

Chairman Thibault stated the City Clerk's office never told them.

Alderman Gatsas stated I can tell you nobody told them because she called me because I told her to expect something last week and I make it very clear to her that she should appear this evening so that we could move something forward and I would have thought that this was a process that would have certainly seen the light of day a lot sooner than me having to call Tom Clark to move this forward and I think that this thing has been sitting around has certainly not done them any good where they've been carrying properties at both ends.

Chairman Thibault stated I've been playing with this for about five months, Alderman Gatsas. Let me tell you that I've been with the City Solicitor...Tom Arnold in the back here for four or five months on this thing and I assure you that I've been on top of this from day one.

Alderman Gatsas stated with all due respect, Mr. Chairman, I can tell you that if you want to bring them forward they'll tell you that it just started moving last week when I make a phone call.

Chairman Thibault stated that's very possible...maybe you get things moving faster than I do, I can't deny that but I know that I've been on top of it for five months.

Alderman Porter stated I'd love to see it move faster and moved to grant access easement. Alderman Roy duly seconded the motion.



Chairman Thibault stated before we even started discussing I would like to have Tom Arnold explain to the people exactly where this is at at this point...whether we approve it or not.

Alderman Gatsas stated without it being approved, Mr. Chairman, they aren't going to be able to sell the property.

Chairman Thibault stated I know that, I've known that for five months.

Alderman Gatsas asked can we ask them to come forward?

Chairman Thibault replied please.

Alderman Gatsas stated I would think that Mr. Arnold would have certainly contacted them a lot sooner than having to worry about...

Chairman Thibault stated that is why I wanted him to explain that.

Alderman Gatsas asked have you seen a copy of this easement? Do you have extra copies? Mr. Arnold.

Deputy City Solicitor Arnold replied I don't have extra copies with me, no.

Alderman Gatsas asked have you sent them one or were you just trying to keep it a secret from them?

Deputy City Solicitor Arnold replied I certainly wasn't trying to keep anything secret. I believe I provided one to Mr. Nixon who was the real estate agent that originally approached me. I might add that I also spoke to Mr. Gosselin approximately two weeks ago and let him know where it was and what was happening. I did not contact them about the meeting because as you can see from my letter I had originally suggested a telephone poll would be done before I because aware that this meeting was going to be held to take place.

Chairman Thibault stated, Tom, you and I just had a few words just before the meeting...would you explain to them exactly where this is going to end up...whether we approve this or not.

Deputy City Solicitor Arnold stated as I explained to Mr. Gosselin a couple of weeks ago this has been moving forward, it was moving forward prior to Mr. Gatsas speaking to Tom Clark. The proposed easement is in front of you. The only catch is that I can't control is under the Transportation Enhancement

Agreement that I refer to in my letter...state approval of this easement may be necessary. I've been in contact with the state, I have not received an answer back from them yet...I'm trying to move that forward because Mr. Gosselin made very clear to me the financial pressures he's under because of the time that has been involved here.

Alderman Gatsas interjected who did you talk to at the state?

Deputy City Solicitor Arnold replied I'm sorry I didn't bring the file with me...

Alderman Gatsas asked can you go get it because I think it's important that before I leave this evening that I know who you talked to at the state.

Deputy City Solicitor Arnold replied I can provide you with that name, Alderman.

Chairman Thibault asked is there anything else, Tom, you want to say.

Deputy City Solicitor Arnold stated once I have the state's input as to whether approval is necessary and if so the approval is granted then if this committee recommends and the full Board approves the easement it can be granted.

Chairman Thibault stated so right now where we're at, Tom, is you have to have state approval to do this before you can do it, is that what I hear?

Deputy City Solicitor Arnold replied yes.

Chairman Thibault asked when are we going to get that, Tom?

Deputy City Solicitor Arnold replied I can't speak for the state, Alderman.

Chairman Thibault stated maybe Alderman Gatsas can probably talk to someone up there.

Deputy City Solicitor Arnold stated he may be able to assist, yes.

Alderman Gatsas stated I would think, Mr. Chairman, if Alderman Gatsas was told that he needed state approval I think I would have moved onto it as quickly as I moved on the issue.

Chairman Thibault stated no one has ever told me...I'm hearing this for the first time also, Alderman.

Alderman Gatsas stated it seems as though the City Solicitor sometimes likes to keep secrets.

Deputy City Solicitor Arnold stated if you look at my letter dated June 22<sup>nd</sup>...

Chairman Thibault interjected, gentlemen, why don't we take the problem from where it is...not from where we'd like it to be.

Alderman Gatsas stated then I guess he needs to go downstairs and get his file and tell me who he talked to at the state so we can approve this this evening.

Chairman Thibault stated why don't you do that, Tom.

Deputy City Solicitor Arnold stated I will certainly do that.

Alderman Osborne asked what would be the ramifications if we approve this now.

Chairman Thibault stated it would be conditional upon state approval.

Alderman Osborne stated without the state's approval is what I'm trying to say.

Chairman Thibault stated I didn't hear what you said.

Alderman Osborne reiterated what would be the ramifications if we went ahead with this without the state's approval.

Chairman Thibault stated and approved it. I guess it would be conditional upon the state's approving it, Mr. Arnold.

Deputy City Solicitor Arnold stated it may result in the City having to reimburse federal funds. I do not know the amount.

Chairman Thibault asked, Tom, could you go down and get your file on this.

Deputy City Solicitor Arnold stated you want me to get it right now.

Chairman Thibault replied yes would you please...I imagine that is what Alderman Gatsas is asking here, so I'd appreciate that. Sorry, but just wait a few moments and hopefully we can try to get to the bottom of this.

Alderman Porter asked where does my motion stand? Was it seconded?

Chairman Thibault asked what was your motion?

Alderman Porter replied there was a motion to grant the access easement and it was seconded. So, at least we have that on the floor.

Chairman Thibault stated if you want to vote on it we'll vote on it but again...

Alderman Porter stated at this point no because there's a real estate transaction potentially...any buyer would have to be informed that it's conditional and it would be a cloud on the title.

Chairman Thibault stated that is why I talked to him before the meeting and I wanted him to speak and let these people know before we approve it.

Alderman Gatsas asked can I ask you to amend your motion to say we approve this easement this evening, conduct a phone poll with the full Board subject to state approval.

Alderman Porter replied I'll make that...anything that can move this forward.

Chairman Thibault stated the full Board has already approved it.

Alderman Gatsas stated no they haven't.

Alderman Porter stated I guess my question would be, Alderman Gatsas...in real estate if anything is conditional it has to be reported to a potential buyer and that might really not fly either but I'm willing to go along with that if that will at least gets the problem solved.

Alderman Gatsas stated at least it gets us off the dime...

Alderman Porter stated I will so amend my motion to Alderman Gatsas' suggestion that we approve this easement this evening, conduct a phone poll with the full Board subject to state approval. Alderman Roy duly seconded the amendment. There being none opposed, the motion carried.

Ms. Carol Gosselin stated I own the property jointly with my sister Bonita Kershaw. The buyer is certainly aware that there are problems here. We had a purchase and sale agreement since February with a potential closing date of March 4<sup>th</sup>. Rather than hold all of his downpayment in escrow we have returned four-fifths of the money to him so that we are not tying up his money. So, he is aware that there is an issue.

Chairman Thibault stated from what I understand from the attorney...again, talking to him today to be sure to know where I was at with this he says until I get the state's approval I cannot make a ruling. So, this is where we're at.

Ms. Gosselin stated I guess I don't understand why we needed state approval. It's my understanding that the railroad turned the property over to the state who turned it over to the City.

Chairman Thibault stated that's right but that's why the State has to sign off on it too, not just the City. The City would be willing to let go, it's the state because this was...I don't know how the City received it but there was a question of that also and certain requirements have to be met and this is the first time that we are faced with this type of a problem, I want you to know that. There is a house adjacent to this one.

Chairman Thibault stated I know the house very well...I'm there almost every week.

Ms. Gosselin stated I have copies of the deeds that go back to 1882 if you're interested in seeing those.

Chairman Thibault stated this all started when you had a problem with the water line over there, how long have we been working on that.

Ms. Gosselin replied that was in December.

Mr. Gosselin stated the issue is that you have a gentlemen that lives there right now, he's 82...he parks his car up there and drives across that bed everyday. He inherited that house from his father, he probably passed away when he was 90. It should not be an issue, it should not be a problem and all I'm being told is I'm doing the best I can. I got that from several people.

Chairman Thibault stated I'm sure that if he had a water problem such as what you had we would have had the same problems with him as we've had with you.

Mr. Gosselin stated the issue also was when the water problem came up I was told that we had an easement for the water, so I to dig it up and redo it.

Chairman Thibault stated you had an easement from the railroad but not the City of Manchester.

Ms. Gosselin stated it doesn't matter. If there's an easement for a water line going through why isn't there an easement for...

Chairman Thibault stated maybe when they conveyed it to the City of Manchester maybe that easement was not included in the deed and maybe that's where the problem comes from, I don't know. All I can tell you is that I have to go by my legal person to tell me how to handle this and that's what I've done from day one. Tom, enlighten us a little bit.

Deputy City Solicitor Arnold stated as I was saying under the Transportation Enhancement Agreement with the State it provides or should the property be disposed of by the City without approval of state of if there is a default in any nature of this agreement the City shall be required to reimburse Federal Highway Trust funds for all such funds expended under this project. I don't know what that amount is. I was given the name by Parks and Recreation of a gentleman at the NH Department of Transportation by the name of Ram Maddali...I placed a phone call to him...apparently, I had to track him down because there was some...I guess some recent reorganization. I left a voice message for him, I have not heard back from him.

Alderman Gatsas asked when did you call?

Deputy City Solicitor Arnold replied I'm sorry I didn't put a date on the note in my file. I believe it was last week sometime I spoke to him. I, quite frankly, do not know if he is the appropriate person to speak to at the state. I am assuming that if he is not he can hopefully direct me to the person who is and I will chase that down this week. I had hoped to do it this morning but unfortunately other duties took me away from being able to do that.

Chairman Thibault stated then let me ask the committee. What way do you want us to go with this?

Alderman Roy replied we made a motion and it passed.

Alderman Gatsas stated the motion was that we approve the access agreement, conduct a telephone poll subject to the State of New Hampshire approving the easement.

Chairman Thibault asked is that agreeable?

Deputy City Solicitor Arnold replied certainly. As long as I get their approval.

Alderman Roy asked could this committee direct Mr. Arnold to make this the highest priority tomorrow to get approval from the state?

Alderman Gatsas interjected don't worry about it I'll take care of the Department of Transportation tomorrow.

Alderman Roy stated we would like to see you move this along.

Ms. Gosselin asked is there any way that you would be able to give me some kind of time frame as to what we're speaking about?

Chairman Thibault stated Tom you get to them as soon as you get the answer.

Deputy City Solicitor Arnold replied certainly. I have been dealing with Mr. Nixon who I have spoken to on several occasions. If you'd like me to call you directly I'd certainly be happy to do that.

Ms. Gosselin stated Mr. Nixon is out-of-town his sister passed away and I haven't been able to reach him for a week.

Chairman Thibault stated why don't we get your name and phone number and he can all you direct.

Deputy City Solicitor Arnold stated I'll speak to you before I leave.

There being no further business to come before the committee, on motion of Alderman Osborne, duly seconded by Alderman Roy, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee